

**§ 59.4 Responsibilities.**

(a) The Assistant Secretary of Defense (Comptroller) shall exercise primary management responsibility for the voluntary military pay allotment program and provide assistance to the Military Departments in the form of instructions, requirements, reviews, and other guidance.

(b) The Secretaries of the Military Departments shall ensure that this part is implemented by the Military Services concerned.

**PART 61—MEDICAL MALPRACTICE CLAIMS AGAINST MILITARY AND CIVILIAN PERSONNEL OF THE ARMED FORCES**

Sec.

61.1 Purpose.

61.2 Applicability.

61.3 Delegation of authority.

61.4 Procedures.

AUTHORITY: Pub. L. 94-464, sec. 1(a), 90 Stat. 1985, 10 U.S.C. 1089(f), 2733 and 5 U.S.C. 301.

SOURCE: 43 FR 15148, Apr. 11, 1978, unless otherwise noted.

**§ 61.1 Purpose.**

This Directive: (a) Delegates authority, with the power to redelegate, to the Secretaries of the Military Departments to provide relief to health care personnel of the Department of Defense from personal tort liability in connection with their authorized activities, and (b) establishes procedures to be followed in providing such relief.

**§ 61.2 Applicability.**

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, and all other Department of Defense Components.

**§ 61.3 Delegation of authority.**

(a) The authority vested in the Secretary of Defense by title 10 U.S.C. section 1089(f) hold harmless or provide liability insurance for Department of Defense health care personnel is hereby delegated to:

(1) The Secretary of each Military Department for military members and

civilian employees of his Department, and

(2) The Secretary of the Army for civilian employees of the Office of the Secretary of Defense and Department of Defense Components other than the Military Departments (see DoD Directive 5515.9).<sup>1</sup>

(b) The authority delegated above may be redelegated as appropriate and necessary to carry out the provisions of title 10, U.S.C., section 1089(f).

**§ 61.4 Procedures.**

(a) In all cases under title 10 U.S.C. section 1089, medical personnel shall be required to:

(1) Promptly forward all process served upon them or attested true copies thereof to the appropriate official designated by the Secretary of the Military Department concerned;

(2) Furnish such other information and documents as the Attorney General may request; and

(3) Comply with the directions of the Attorney General relative to the final disposition of a claim for damages.

(b) The procedures set forth in title 10 U.S.C. section 2733 and regulations issued pursuant thereto shall be utilized in determining costs, settlements, or judgments under title 10 U.S.C. section 1089(f).

**PART 62—ALCOHOL AND DRUG ABUSE BY DoD PERSONNEL**

Sec.

62.1 Purpose.

62.2 Applicability.

62.3 Definitions.

62.4 Policy.

62.5 Responsibilities.

AUTHORITY: 5 U.S.C. 301, Pub. L. 92-255, 91-616, 92-129, and 91-513.

SOURCE: 45 FR 61615, Sept. 17, 1980, unless otherwise noted.

**§ 62.1 Purpose.**

(a) This part states the DoD alcohol and drug abuse prevention policy, and implements the standards contained in

<sup>1</sup>Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attention: Code 301.